

# SELECTED FEDERAL CRIMINAL STATUTES USED IN GANG - RELATED VIOLENT CRIME

<u>STATUTE</u>	<u>CRIMINAL CONDUCT</u>	<u>PENALTIES</u>
Armed Career Criminal 18 U.S.C. § 924(e)	<ul style="list-style-type: none"> <li>Any felon in possession of a firearm with <i>three prior convictions</i> for crimes of violence and/or drug trafficking crimes</li> </ul>	<ul style="list-style-type: none"> <li>15 year mandatory-minimum</li> </ul>
Armed Narcotics Trafficking or Armed Violent Crime 18 U.S.C. § 924(c)	<ul style="list-style-type: none"> <li>Possession or use of a firearm during a federal drug trafficking crime or a federal crime of violence</li> </ul>	<ul style="list-style-type: none"> <li>Consecutive 5 year mandatory-minimum if the firearm is possessed</li> <li>Consecutive 7 year mandatory-minimum if the firearm is brandished</li> <li>Consecutive 10 year mandatory-minimum if the firearm is discharged</li> <li>Consecutive 30 year mandatory-minimum if the firearm was a machine gun, a destructive device, or was equipped with a silencer</li> </ul>
Felon or Alien in Possession of a Firearm 18 U.S.C. § 922(g)(1) and (5)	<ul style="list-style-type: none"> <li>Possession of a firearm by a person who (i) has at least one prior felony conviction, or (ii) is an illegal alien or has been admitted to the United States under a non-immigrant visa</li> </ul>	<ul style="list-style-type: none"> <li>Up to 10 years imprisonment</li> <li>Sentencing enhancements for possession of a machine-gun or a high-capacity magazine</li> </ul>
Robbery and Extortion of Interstate Businesses 18 U.S.C. § 1951	<ul style="list-style-type: none"> <li>Robbery or extortion of a business or business person engaged in interstate commerce, such as a gas station, restaurant or traveling salesperson, or a narcotics robbery</li> </ul>	<ul style="list-style-type: none"> <li>Up to 20 years imprisonment</li> </ul>
Bank Robbery and Extortion 18 U.S.C. § 2113(a)	<ul style="list-style-type: none"> <li>Robbery or extortion of a bank using force, violence or intimidation</li> </ul>	<ul style="list-style-type: none"> <li>Up to 20 years imprisonment</li> <li>Up to 25 years imprisonment if a dangerous weapon is used</li> </ul>
Car Jacking 18 U.S.C. § 2119	<ul style="list-style-type: none"> <li>Taking a motor vehicle from another person by force, violence or intimidation</li> </ul>	<ul style="list-style-type: none"> <li>Up to 15 years imprisonment</li> <li>Up to 25 years imprisonment if serious bodily injury results</li> <li>Possible death penalty or life imprisonment if death results</li> </ul>
Narcotics Trafficking 21 U.S.C. §§ 846, 841(a)(1), and others	<ul style="list-style-type: none"> <li>Possessing or conspiring to possess a controlled substance with the intent to distribute it</li> </ul>	<ul style="list-style-type: none"> <li>Up to life imprisonment depending on amount of narcotics, person's prior narcotics convictions and other factors</li> <li>Sentencing enhancements for murder and use of a firearm</li> </ul>
RICO (Racketeer Influenced and Corrupt Organizations) 18 U.S.C. §§ 1961-1968	<ul style="list-style-type: none"> <li>Group or organizational criminal activity which amounts to the conduct of a pattern of "racketeering activity," which commonly includes offenses such as murder, kidnapping, arson, robbery, drug trafficking, mail and wire fraud, extortion, witness retaliation, money laundering, stolen vehicles and interstate shipment of stolen property</li> </ul>	<ul style="list-style-type: none"> <li>Term of imprisonment of 20 years to life depending on underlying offenses</li> </ul>